

**BOARD OF MADISON COUNTY COMMISSIONERS**  
**March 6, 2007 MINUTES**

On Tuesday, March 6, 2007, a meeting of the Board of Madison County Commissioners came to order at 10:00 AM with Commissioners David Schulz, Lewis Stahl and Jim Hart present.

Lewis Stahl moved to approve the February 20, 2007, minutes with corrections. Jim Hart seconded the motion. All voted aye and the motion carried.

Those people in attendance at the meeting were Doris Fischer, Staci Beecher, Larry Pine, Ron Schwend, Rick Hohne, David Kack, Richard Schultz, Lisa Knorr, Roseanne Troyer, Ric Regier, Patrick Saunders, Bob Williams, Chris Williams, Margie Mason, John Mason, Shelby Hewitt, Rich Hewitt, Frank Ford, Gary Hablutz, David Schenk, and those on the attached list.

**Stagecoach Trail Minor Subdivision Preliminary Plat:** Doris Fischer, Planner, and Staci Beecher, Planner 1, presented the Board with the preliminary plat of Stagecoach Trail Minor Subdivision. This proposed subdivision is approximately five miles southwest of Ennis, currently Lot 28 of Virginia City Ranches. The subdivision would create three lots on 15.41 acres, each lot being just over five acres in size, essentially creating two new lots for residential homesites. There was discussion regarding emergency access to the property. Staci stated that Planning Staff had recommended an underground cistern for fire protection and that the Planning Board had recommended approval of the preliminary plat with conditions. Jim Hart moved to accept the preliminary plat of Stagecoach Trail Minor Subdivision in Section 15, Township 6 South, Range 2 West with the Planning Board's recommended conditions. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Shadow Ridge Subdivision:** Doris Fischer, Planner, and Staci Beecher, Planner 1, presented the Board with the preliminary plat of Shadow Ridge Subdivision. Larry Pine, Subdivider, and Ron Schwend, Gateway Engineering & Surveying, were also present for this portion of the meeting. This proposed subdivision is located approximately 2.5 miles southwest of Ennis and will create 51 single-family residential lots on 165 acres. The plan includes four additional lots that could be for single-family, multi-family, or condominium use with up to 20 units designated as affordable housing. The project also includes 71 acres of open space. Points of discussion included a corridor that would connect with the corridor of Pronghorn Meadows Subdivision to allow wildlife to get to the designated open space. Also discussed was a recommendation from the State that a Cultural Resource Inventory be completed. The subdivider agreed to conduct this inventory. Jim Hart moved to accept the preliminary plat of Shadow Ridge Subdivision with the Planning Board's recommended conditions, revising Condition 15 to include lots 11 and 12 which would allow the wildlife corridor to slant to the east. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Big Sky Transportation:** David Kack, Richard Schultz, and Lisa Knorr, Skyline Bus, and Rich Hohne, Moonlight Basin Ranch, met with the Board to request that Madison County invest \$50,000 per year to assist in the operations of the Skyline Public Transportation System serving the Big Sky community. Doris Fischer, Planner, was also present for this portion of the meeting. David presented an outline of projected funding sources and discussed the advantages of keeping this service free to the public. Rich Hohne stated that keeping the service free was advantageous to Moonlight Basin and that they had pledged \$30,000 for the project. The Board will schedule a ride on the bus before making a decision to assist with funds.

**Virginia City Dumpster Lease:** The Board discussed the Virginia City dumpster site lease.

**New Hub International Insurance Agent:** Anna Cossel, Hub International Insurance, met with the Board to introduce Jeff Schulziskus, a new agent for the company who will be working in the Ennis area. Anna stated that MACo is now offering Workers Compensation to the agents and that Madison County would now be able to use her as an agent for this service if they so choose.

**Journal Vouchers:** Lewis Stahl moved to approve Journal Vouchers for the 2/07 accounting period and remaining Journal Vouchers for the 1/07 accounting period. Jim Hart seconded the motion. All voted aye and the motion carried.

**Nursing Homes Bus:** Ric Regier and Roseanne Troyer, Tobacco Root Mountains Care Center, and Patrick Saunders, Montana Department of Transportation, met with the Board to discuss funding for a new bus for the Tobacco Root Mountains Care Center in Sheridan. Patrick explained that TRMCC had submitted a request for funding but that a coordination plan is now a requirement of eligibility for this program and that this plan had not been submitted. Patrick would like to see both nursing homes in Madison County and the Hollowtop Senior Citizens combine transportation needs into one plan and submit it for funding. Ric and Patrick will organize a meeting that will include representatives from both nursing homes, Hollowtop Senior Citizens, and Area V Agency on Aging.

**Troutdale Speed Study Request:** Bob Williams, Chris Williams, Margie Mason, John Mason, Shelby Hewitt, and Rich Hewitt, presented the Board with a written request from the residents in the McAllister area, asking that the District 3 Road Supervisor request the Montana Department of Transportation to conduct a speed study in that area. Jim Hart moved to proceed on the request and contact the Montana Department of Transportation requesting that an engineering speed zone study be conducted to determine if speed should be reduced from McAllister south to Jordon Lane at mile marker 54. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Bear Creek Estates Subdivision:** Those people on the attached list were present for this portion of the meeting. Chairman Schulz gave a brief background regarding the preliminary plat of Bear Creek Estates Subdivision. Jim Hart, District 3 Commissioner, stated that he had spent numerous hours in the Bear Creek area, had reviewed all the Planning Board documents, and had read all the letters received from the public about the proposed subdivision. Jim stated that he had considered both sides of the issue unemotionally, had considered the Planning Board's recommendation, and had spoken to both the Madison County Attorney and the MACo Land Use attorney before coming to a determination on this proposal. After reading the attached Findings of Fact, Jim Hart moved to approve the preliminary plat of Bear Creek Estates Subdivision in Section 33 of Township 7 South, Range 1 East, with the Planning Board's recommended conditions, except the recommendation to limit development to four lots, instead to limit the development to the proposed eight lots located along the creek a minimum of 150 feet from the creek and in designated spots on the preliminary plat, but not clustered. Jim additionally suggested that the subdividers work with the Bear Creek Land Use Plan, with specific consideration and discussion on the location of the access road. David Schulz seconded the motion. Lewis Stahl abstained from voting as he was absent for the public discussion regarding this subdivision. Commissioners Jim Hart and David Schulz voted aye. The motion carried on a majority vote.

**Board Appointments/Public Health Board:** Jim Hart moved to appoint Douglas Walsh to the Madison County Public Health Board, as the School Administrator representative, for a three year term which will expire on December 31, 2009. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Board Appointments/Madison Valley Cemetery:** Jim Hart moved to appoint Maureen Cheney Curnow as a trustee to the Madison Valley Cemetery for a three year term which will expire on December 31, 2009. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Area V Aging Representative:** Lewis Stahl moved to reappoint Frank Nelson as the Area V Aging Representative for Madison County. Jim Hart seconded the motion. All voted aye and the motion carried.

**Road Crew Radio Frequencies:** The Board continued this portion of the meeting to Wednesday, March 7, 2007, at 10:00 AM.

**Joint Powers Trust Health Insurance:** Gary Hablutzel, Joint Powers Trust Health Insurance, met with the Board to discuss an insurance pool that the Joint Powers Trust provides to counties in Montana. Gary stated that some of the counties are self insured and use only the stop loss coverage; others buy the entire policy through the trust. Commissioner Schulz stated that Madison County is satisfied with the current medical coverage.

**Old Milwaukee Bridge Removal:** The Board discussed removal of the Old Milwaukee Railroad Bridge near Cardwell. Jefferson County has taken the lead in removing the bridge and is requesting a release be signed by the landowner and by Madison County. The owner of record has refused to sign, claiming the property does not belong to his company and, therefore, has no authority to sign. Joe Carter, Jefferson County Road and Bridge Supervisor,

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has requested that Madison County sign its portion of the release without the landowner signature. Lewis Stahl moved to authorize signature of the Construction Agreement for the Old Milwaukee Bridge Removal Project upon receipt of contract documents and insurance verification. Jim Hart seconded the motion. All voted aye and the motion carried.

**Law and Justice Center Agreement:** Jim Hart moved to accept the Buy/Sell Addendum extending the closing date of the existing agreement between Loren Tucker and MaryAnn Tucker and Madison County dated June 26, 2006, for purchase and sale of real estate located in Virginia City, Montana. Lewis Stahl seconded the motion. All voted aye and the motion carried.

**Commissioner Liaison to County Boards:** The Board discussed which Commissioner should be the liaison to each of the County advisory boards. It was determined that Lewis Stahl would attend Big Hole River Advisory Board meetings; Jim Hart would attend Solid Waste Board meetings; and David Schulz would attend Weed Board meetings. The remainder of the Boards are either independent or all Commissioners will attend when possible.

With no further business this portion of the meeting adjourned at 5:00 p.m.

**Wednesday, March 7, 2007:**

**Road Crew Radio Frequencies:** Frank Ford, Independent Consultant, and Dave Schenk, Sheriff, met with the Board to discuss radio frequencies needed for road crews, solid waste, and public safety entities. Jim Hart moved to authorize Frank Ford to pursue the purchase of six FCC licenses for Madison County radio frequencies for an amount not to exceed \$5000. Lewis Stahl seconded the motion. All voted aye and the motion carried.

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David Schulz, Chairman  
Board of Madison County Commissioners

Date Approved: March 13, 2007

Minutes prepared by:

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Laurie Buyan, Administrative Assistant

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Peggy Kaatz, Clerk and Recorder, Madison County

## **FINDINGS OF FACT**

The preliminary plat and supplements have been reviewed to determine whether the proposed subdivision complies with the Montana subdivision And Platting Act, Madison County Subdivision Regulations, and Madison County Comprehensive Plan/Growth Policy. Additionally, the Madison County Planning Board Staff Report dated January 23, 2007 and the Madison County Planning Board Staff Report and Planning Board Recommendation dated January 30, 2007, were reviewed by the Madison County Commissioners.

In accordance with state law, the Madison County Commissioners make the following Findings of Fact based on the local government review criteria set forth in Section 76-3-308, MCA, and the County Subdivision Regulations.

A. Application Completeness – The Application is complete.

B. Effects on Agriculture – Modest negative impact but an acceptable impact.

C. Effects on Agricultural Water User Facilities – No negative impact.

D. Effects on the Natural Environment – The negative impact of the subdivision on the natural environment pertain mainly to the cutting of roads, driveways, and utility routes through the property. The proposed bridge would, with proper engineering and environmental precautions, likely meet the permitting tests. The developers have decreased the amount of road from 5.2 acres to 4.4 acres. The planning board recommends that the lot numbers be reduced from 8 to 4 and that the home sites be relocated from along the creek closer to the County Road, thereby minimizing the disturbance to vegetation. The County Commissioners also recognize that they cannot unreasonable restrict a landowner's ability to develop his property. The County Commissioners recognize that the developer has reduced his proposed subdivision from 12 lots to 8 lots, thereby mitigating the amount roads, utility extensions and bridges (reduced from 2 bridges to 1 bridge). Also, the proposed building envelopes sit above the historic Bear Creek channels, and the developer has set their building setback requirements at 150 feet from the high water mark of the creek, further than the 100 foot recommended distance from the creek. Although there will be some negative impact to the natural environment, the developer has reasonably mitigated that impact and we find that said impact to the natural environment is an acceptable one.

F. Effects on Wildlife and Wildlife Habitat – Little or no negative impact. The reports relied upon by the planning board made general references to the entire valley. There were no reports addressing wildlife and wildlife habitat impact specific to this particular area. Those same reports indicate little if any impact on wildlife in an area. In fact, the setbacks and lack of fencing actually enhance the wildlife corridor along the creek.

G. Effects on Public Health and Safety – There would be little or no negative impact on public health and safety.

H. Effects on Other Resources in the County – The Planning Board expressed concern regarding current development density and the impact this subdivision would have in the Bear Creek area. The proposed development plans 1 home / 30 acres, while the current developed

Bear Creek area, outside the proposed development, has 1 home / 123 acres. Looked at in other numbers, however, the entire approximately 5 sections of the immediate Bear Creek area, including the proposed development and prior to actually having any home on that development, currently has 1 home / 133 acres. When those 8 homes are built, the entire 5 sections will then have 1 home / 100 acres. Are the 8 homes in 243 acres more densely grouped than the rest of the Bear Creek area? Possibly. Collectively, do the 8 homes adversely affect the area? Arguably. For example, some homes to the southeast of the development are equally densely grouped and some built even closer to the creek. Is that area enough of an example to either deny or to approve this development? Again, that is arguable, and I encourage future cooperation and collaboration, since future developers will surely use this development as a model for how they proceed. Nevertheless, the impact on this criteria is considered to be an acceptable one.

I. Effects on the Local Economy – Positive impact.

J. Effects on Public Services Provided by Other Entities In the County – No negative impact.

K. Legal and Physical Access – Continue to work with the planning board, commissioners and the Bear Creek Area Land Use Planners to further reduce the impact of the access road.

L. Parkland Dedication – Not applicable.

M. Substantial Compliance with the Comprehensive Plan/Growth Policy – The proposed subdivision is in substantial compliance with the Comprehensive Plan/Growth Policy.

### **CONCLUSION**

Subject to the conditions set forth below, the proposed subdivision is in compliance with applicable rules and regulations. Additionally, the subdivision will have acceptable levels of impact on the criteria set forth in Section 76-3-608(3),MCA.

Therefore, the proposed Bear Creek Subdivision should be approved allowing the proposed 8 lots located along the creek as designated on the preliminary plat. This approval is made subject to the Planning Board's recommendations set forth on pages 14, 15 and 16 of the Madison County Planning Board Staff Reported dated January 23, 2007, conditions numbered 1-17.